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SUBJECT: HUMAN RIGHTS COUNCIL: BALLOTING CONSIDERATIONS

REF: GENEVA 3109(06)

Classified By: AMBASSADOR RICHARD T. MILLER FOR REASONS
1.4(b) AND (d)

1.(C) SUMMARY: USUN recommends that any considerations of a possible candidacy for the Human Rights Council factor in some technical and contextual issues unique to elections within the UN, to the Human Rights Council in particular, and to the General Assembly dynamics where the balloting would occur. END SUMMARY.

2.(C) Pursuant to reftel, USUN offers a view from New York based on UNGA electoral processes and the politics of a potential race for the UN Human Rights Council (HRC) in May 2007. In sum, we believe a run for the HRC would be an extremely difficult campaign with an uncertain outcome.

Customary Constraints on US Candidatures

3.(C) In general, US prospects in running for elected UN bodies are more constrained than for those of any other country at the UN. This is due to the fact that the US is unique in its policy to not enter into reciprocal (&vote-swap8) arrangements, nor to reveal for whom it voted, and to avoid any hint of bloc membership that could otherwise provide an automatic groundswell of electoral support for a US candidature.

4.(C) Instead, the US must rely on only (1) the strength of the merits of its candidacy, (2) the nearly-spent custom that the US should be on any body it seeks as a matter of bringing US "indispensable nation" attention to the issues and workings of that body, and most importantly (3) aggressive campaigning that generally entails trade-offs with other US equities at the UN at that time.

5.(C) As for candidature announcements, timing is relevant. The custom is that the earlier one announces, the more serious is the candidature. The electorate penalizes latecomers, particularly if their bid creates or adds to a contested slate.

6.(C) Endorsement of US candidatures by our regional Western European and Other States Group (WEOG) has become increasingly problematic over time, with other candidates less willing to step aside for us. When too many WEOG candidates present themselves for a smaller number of vacancies, WEOG endorsement is harder for the US to achieve than ever before. A swelling EU cohort gives less and less ground to us when one of its own is in the contest. Bidding against the two WEOG vacancies for the May 2007 election to the HRC so far are Netherlands, Italy, and Denmark.

7.(C) In elections to UN bodies, the great majority of delegations exercise on-the-ground voting discretion, rather than taking direction from their capitals. In this sense, all elections are local.

The General Assembly Imperative

8.(C) Unlike elections to the previous Human Rights Commission taken by the 54-member ECOSOC, elections to the Human Rights Council are held in the 192-member General Assembly. They come with a different and distinct political context in which to contemplate and calibrate candidatures. NAM (currently led by Cuba), G-77 (Pakistan is leading in 2007), and EU bloc and other dynamics are more fully operational in the GA versus ECOSOC. This configuration portends that broader US political equities would be brought into the voting equation. For example, institutional antagonism and envy from the GA corner toward Security Council P-5 prerogatives have intensified in taking decisions, particularly in conjunction with stalled Security Council expansion initiatives, and could work against a US candidacy.

9.(C) Regarding the WEOG slate for this May's HRC race, candidates are already oversubscribed with at least three candidates for two vacancies: Netherlands, Italy, and Denmark; USUN has not heard from any that they would step aside should the US decide to run. We would have to broker against other WEOG candidates, for better or worse, before launching into the wider membership for support. WEOG members (EU members) automatically enjoy bloc support; US has no bloc support. Other candidates engage in vote-swapping and other measures in which the US does not participate as a matter of official policy, providing to them a tactical advantage in any vote count.

10.(C) Because HRC elections do not call for endorsement by regional groups, there is no opportunity for election by acclamation. All candidates require an absolute majority of the GA membership (97 votes), and not merely the usual simple majority of those present and voting yes or no. It is not clear that a majority of states would support us. Because HRC membership is determined by a secret ballot, even WEOG colleagues could hide behind the secret vote process. This secrecy creates a wild card. For comparison sake, we note that in the most recent US-related human rights vote (on the anti-US resolution from UNGA's Third Committee last autumn), the US garnered only 114 out of a possible 192 votes in a recorded (non-secret) ballot with no competition whatsoever.

11.(C) Term-limits must also be considered. HRC rules permit only two consecutive terms and beyond that require one year off before seeking yet another term. The 3-year terms are staggered; elections are in May for terms to commence in mid-June.

12.(C) If the US were to run, it might be advisable to time it to be on the HRC during the five-year review of HRC effectiveness slated for Autumn 2011 (as stipulated in A/Res/60/251). If the US were to delay running until Mid-June 2009 (for the term Mid-June 2009 - Mid-June 2012) and succeed, then it would be a member of the Council during the Autumn 2011 review. Otherwise, if US ran in 2007, it would serve Mid-June 2007 through Mid-June 2010, and it would need to be re-elected in Mid-June 2010 in order to be on the body during the scheduled effectiveness review of Autumn 2011.

13.(C) Finally, any perception that the United States intends to seek a candidature for the purpose of infiltrating, criticizing, or changing the Council would be marked for failure. The votes simply would not come our way. Running to get elected would instead require us to implicitly endorse the Council's programs, processes, and outputs. Our candidature would in effect legitimate the body and imply to some degree that it had somehow improved over the past year, a fact that runs counter to our public statements.